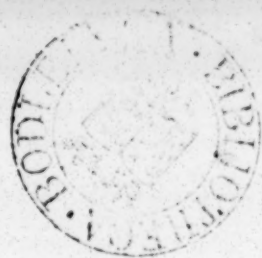


THE
C A S E
OF



The Proprietors of *Boston West* and *Skirbeck Quarter*, in the County of *Lincoln*, in respect to the Inclosures of their Commons.

THE Proprietors of *Skirbeck Quarter* have by the mode of Division as it stands in the present Bill, divided according to their Common Right, and the Di-reeve's Assessment; and the Proprietors of *Boston West* according to the real Value of their Common Rights and Estates, by which they gained so large a Part of *Holland Fen*, on account of paying the Di-reeve's Assessment, towards the Preservation of the whole Fen, when in its open State, before it was divided into Eleven Parts; and each Town now enjoying a separate and distinct Common, any mode of Division adopted by the Proprietors of one Town cannot possibly affect the Proprietors of another; and it cannot well be supposed how Mr. *Chambers* can be ignorant of this Fact, notwithstanding it is stated so differently in his Petition, neither has the mode of Division amongst the Proprietors the least Relation to any of his Claims, or can in any Manner tend to injure his Rights.

The People who call themselves Cottagers have no Right of Common there, but what they derive from their Landlords the Proprietors of the Cottages, as very few (if any of them) have any real Property themselves, but are liable to be turned out of the same at the Will of their Landlords.

At the Meetings of the Proprietors before they obtained the Division Act of the Seventh Year of his present Majesty, the Intention of Sub-dividing was avowed, but the Undertaking being too extensive for one Bill, they deferred it till the present Time; and it is the general Opinion of the Proprietors, that the Mischiefs complained of by Mr. *Chambers* in his Petition,

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can only be remedied by a speedy Sub-division of the Commons, and upon this Principle chiefly the Bills are at present applied for.

It has been set forth, that the Breed of Sheep, Beasts, Horses and Geese will be lessened or prevented by the intended Inclosures; as to the Breed of Cattle it must be increased from the Nature of the Case, it being well known that upon inclosed Lands the same is not only greater in Number, but of greater Value than those bred upon Commons.

Geese have always been looked upon as uncommonable Cattle, and since the passing of *Holland Fen Act*, the Agent to the same has had Directions to pursue legal Methods to prevent Geese from going upon the Commons.

The same Argument made use of for dividing *Holland Fen*, namely, "That a few wealthy Graziers monopolized the Common to the Injury of the others," still holds in the present Division, and was one great Reason for applying for the same; and though it has been alledged, that they are merely calculated for the Emolument of a few private Persons who already abound in Affluence, yet the very contrary is the Case, the greatest Number of the Proprietors of *Boston* and *Skirbeck* being Tradesmen in small Circumstances, to whom a very considerable Advantage must arise from the intended Inclosure, they receiving, from the distant Situation of their Houses from the Fen, no Benefit in its present open State, and very few of them are in Affluence as has been set forth.

It has been alledged, that the present intended Inclosures of *Boston West* and *Skirbeck Quarter Fens* will tend to Depopulation; in answer to this, there are now but 19 Commonable Houses adjoining the Fen, which will be increased by the Corporation, who will have it is supposed about 200 Acres allotted them there, as they have declared that it is their Intentions to lay out the same into small Farms, not exceeding at most 50 Acres each, and to build one House upon each of them; and several other Proprietors have also declared their Intention to build Houses on their Allotments; and from the Nature of the Soil in the said Fen the whole must be thrown into a state of Agriculture, a great Part of it continued so, and by the Cultivation of Woad, Hemp and Flax, which the Soil particularly suits, the Old, the Infirmary, and Children will be employed, and find Means for their Support, by which means they will obviate this Apprehension, and their several Properties will produce a greater yearly Value than by any other Disposition.

Zachary Chambers, Esquire, Lord of the Mannor of *Swineshead*, now enjoys no less than 480 customary Acres (making about 571 statute Acres) of the said Fen granted to his Predecessors the Lords of *Swineshead* aforesaid, by Decree in the *Exchequer*, in 1610, for all manner of Commonage, Agistment and further Improvement in the said Fen, and also for their Brovage, and by the Act of the 7th of his present Majesty *Geo. 3d.* for dividing the said Fen into Eleven separate Commons, Mr. *Chambers* had further allotted unto him and his Heirs 120 Acres of the said Fen (free from all Expences of the Act, Commissioners and fencing) which he took and accepted for him and his Heirs, for and in lieu of and in full Satisfaction and Compensation of and for his Right and Interest of his Moiety, in over and to the Soil of all the said Fen, and all Mines and Quarries of what Nature soever, that might thereafter be found and opened under the said Soil, and also in full Satisfaction and Compensation of and for all future

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Improvements, Benefits and Advantages whatsoever, that might thereafter arise or be made by any further Alterations or Dispositions of the said Fen, than what were intended to be made by the said Act; by which future Improvements, &c. were certainly meant the present intended Subdivisions and Inclosures, as no other Alterations or Dispositions could be made of the said Fen to the Advantage of the Proprietors. The only real Advantage Mr. *Chambers* made, before the passing of the said Act, was from his Moiety of the Drifts which amounted to about 10 £. a Year, and the Profits of holding Courts, which were reserved to him by that Act, and are intended to remain, and the Allotment of 120 Acres, given him by the said Act is of the yearly Value of 100 £.

Charles Anderson Pelham, Esquire, Lord of the Manor of *Frampton*, to whom the Right of the other Moiety of the Soil of the said Fen belonged, was by the said Act in lieu of his said Right put upon exactly the same footing with Mr. *Chambers*, and appears perfectly satisfied therewith, he not having made any Claim or petitioned against the said Bills.

Though Mr. *Chambers* was fully convinced at the Time of passing the said Act, that Sir *Charles Fredrick* was sole Proprietor of One of the said Eleven Towns called *Brothertoft*, and Earl *Fitzwilliam* sole Proprietor of *Dog-dike*, part of the said Fen, yet no Demand of this Nature was ever made by him upon them, or for several Parcels of Land sold and set out under the said Act, for several Purposes therein mentioned, though their said Allotments and the said Lands so sold amounted in the whole to about 2113 Acres, 2 Roods, and 26 Perches.

It is therefore humbly hoped that the Proprietors of *Boston West* and *Skirbeck Quarter* will not be put into a worse Situation because of their Number, than the Two Proprietors above-mentioned, and the Purchasers of the said Parcels of Land so sold as aforesaid; and they must think the present a very partial Claim upon them, after Mr. *Chambers* has litigated his Claims upon the Bill for inclosing and dividing the Commons belonging to *Algarkirke cum Fosdyke*, being Two out of the Eleven Divisions of the said Fen, which passed both Houses of Parliament only about Three Weeks since, and had it rejected, the Land to be divided and inclosed there amounting to 3260 Acres 12 Perches or thereabouts, especially as it is apprehended the Lords have already had the amplest Allowance for their Rights, being in the whole near 1400 Acres out of about 16000 Acres.

In Mr. *Chambers's* Petition to the House of Commons against the *Algarkirke* and *Fosdyke* Bill he only prayed for an Allotment to himself without at all considering the Cottagers as he has done in his present Petition, wherein several Facts are greatly misrepresented, seemingly with an Intention only to mislead.

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[1771.]

